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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,)	Magistrate Case No. '08 MJ 1468
Plaintiff,)	<u>COMPLAINT FOR VIOLATION OF</u>
v.)	Title 8, U.S.C., Section 1326
Joaquin DIAZ-Vigil,)	Attempted Entry After
Defendant.)	Deportation
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The undersigned complainant being duly sworn states:

On or about **May 11, 2008**, within the Southern District of California, defendant **Joaquin DIAZ-Vigil**, an alien, who previously had been excluded, deported and removed from the United States to **El Salvador**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **12th DAY OF May, 2008**.



UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENGO

PROBABLE CAUSE STATEMENT

On May 11, 2008 at approximately 5:40 PM, **Joaquin DIAZ-Vigil (Defendant)** made application for admission to the United States from Mexico at the **San Ysidro Port of Entry** via the vehicle primary lanes. Defendant was a passenger in a Nissan Sentra driven by Fermin Humberto PEREZ-Reynada. Defendant presented to a Customs and Border Protection (CBP) Officer his Permanent Resident Card (Form I-551) to which he is no longer entitled to. The CBP Officer received a computer generated referral and subsequently escorted the vehicle and it's occupants to secondary for further inspection.

In secondary, Defendant's fingerprints were queried through the Integrated Automated Fingerprint Identification System (IAFIS) which verified Defendant's identity. Queries through the Immigration Central Index System (CIS) and the Deportable Alien Control System (DACS) revealed Defendant was ordered deported from the United States by an Immigration Judge on or about March 10, 2008. Immigration service records indicate the Defendant has not applied for or received permission to legally reenter the United States by the Attorney General or the Secretary of Homeland Security.

During a video-taped proceeding, Defendant was advised of his Miranda Rights and elected to make a statement without the presence of counsel. Defendant admitted he is a citizen of El Salvador. Defendant admitted he presented his I-551 in an attempt to reenter the United States. Defendant stated he was deported from the United States and has not applied for permission to reenter the United States. Defendant stated he was going to San Diego, California return to his family.